

Serial No.: 10/711,398

Docket No.: 2006593-0018
Client Reference: HRX-007RECEIVED
CENTRAL FAX CENTER

JUL 07 2006

CLAIMS

1. (Twice Amended) A method for selling a music-based video game in a manner typically associated with recorded music products, the method comprising the steps of:

- (a) ~~selecting a quantum of music content;~~
- ~~(b) creating a video game based on the a quantum of selected music content; and~~
- ~~(b) embodying the video game in a physical computer-readable medium; and~~
- (c) offering for sale the created video game in a manner selected from the group of: in a manner typically associated with recorded music products;
 - (i) ~~making the created video game available for purchase in a specialty music store.~~

2. (Currently Amended) The method of claim 1 wherein step (ab) comprises creating a rhythm-action video game based on the quantum of selected music content, the created video game comprising a type of video game selected from the group consisting of: a rhythm-action video game; a sing-along video game; a dance-along video game; a character action video game; a first-person shooter video game; and a third-person shooter video game.

3. (Cancelled).

4. (Cancelled).

5. (Cancelled).

6. (Cancelled).

7. (Currently Amended) The method of claim 1 wherein step (ab) comprises creating a video game based on the quantum of selected music content in which user input is received via an input device selected from the group consisting of: a camera; a floor pad; a microphone; and a game controller.

8. (Cancelled).

9. (Cancelled).

10. (Cancelled).

11. (Currently Amended) The method of claim 1 wherein step (ab) comprises creating a video game based on the quantum of selected music content in which a musical time axis is represented as a spatial path.

12. (Original) The method of claim 11 wherein the spatial path does not lie within an image plane of a display and is rendered into the image plane of the display.

13. (Currently Amended) The method of claim 1 wherein step (ab) comprises creating a video game based on the quantum of selected music content in which a musical time axis is represented as a spatial path that leads to that includes as a game character a computer-generated

Serial No.: 10/711,398

Docket No.: 2006593-0018
Client Reference: HRX-007

likeness of a musician.

14. (Currently Amended) The method of claim 13 wherein step (a) further comprises creating a video game in which a musical time axis is represented as a spatial path~~the musician is at least partially responsible for the quantum of selected music content.~~

15. (Currently Amended) The method of claim 14 wherein the spatial path does not lie within an image plane of a display and is rendered into the image plane of the display.

16. (Currently Amended) The method of claim 14 wherein step (ab) comprises creating a video game based on the quantum of selected music content in which a musical time axis is represented as the spatial path that does not lie within an image plane of a display and in which the spatial path leads to the computer generated likeness of the musician.

17. (Currently Amended) The method of claim 14 wherein step (ab) comprises creating a video game based on the quantum of selected music content and including a digitized likeness of the musician is at least partially responsible for creating the selected quantum of music content from which the video game is created.

18. (Cancelled).

19. (Currently Amended) The method of claim 1 wherein step (c) further comprises offering for sale as a single unit an first article of manufacture including embodying the quantum of selected music content in a music playback format and a second article of manufacture including the computer-readable medium embodying the created video game, the single unit offered for sale in a manner typically associated with a recorded music product.

20. (Currently Amended) The method of claim 1 wherein step (c) further comprises offering for sale as a single unit a single article of manufacture including the quantum of selected music content and the created video game in a manner Typically associated with a recorded music product substantially similar to that of the quantum of music content.

21. (Currently Amended) The method of claim 1 wherein step (c) further comprises offering for sale separately the quantum of selected music content from which the video game is created and the created video game in proximity to one another within a retail the specialty music store in a manner typically associated with a recorded music product.

22. (Cancelled).

23. (Currently Amended) The method of claim 1 wherein step (c) further comprises making the quantum of selected music content available for sale exclusively through the created video game.

24. (Currently Amended) A method for creating an interactive music video for a musical composition performed by a real world musical artist, the method comprising the steps of:

Serial No.: 10/711,398

Docket No.: 2006593-0018

Client Reference: HRX-007

(a) creating a computer-generated rendition of ~~the a musical artist at least partially responsible for performance of a musical composition associated with a musical composition;~~ and

(b) creating a video game based on the musical composition, ~~the video game that receives~~receiving input from a player and ~~includes including~~ the created computer-generated rendition of the musical artist as a game element with which the player interacts; and

(c) embodying the created video game as a computer-readable medium.

25. (Cancelled).

26. (Cancelled).

27. (Currently Amended) The method of claim 1 ~~wherein step (e) comprises offering for sale further comprising distributing~~ the created video game through a distribution channel ~~typically associated with used for recorded music products.~~

28. (Currently Amended) The method of claim 1 ~~wherein step (e) comprises further comprising offering for sale the created video game using product placement techniques that are used for typically associated with recorded music products.~~

29. (Currently Amended) The method of claim 1 ~~wherein step (e) comprises offering for sale the created video game bearing indicia on further comprising packaging the created video game to have packaging indicia typically associated with recorded music products substantially similar to indicia on packaging enclosing the quantum of music content.~~

30. (Currently Amended) The method of claim 1 ~~wherein step (e) comprises further comprising offering for sale the created video game at a price substantially similar to the purchase price of a recording of the quantum of music content typically associated with recorded music products.~~

31. (Currently Amended) The method of claim 1 ~~wherein step (e) comprises further comprising advertising the created video game in media typically associated with recorded music products together with an advertisement for a recording of the quantum of music content.~~

32. (Currently Amended) The method of claim 1 ~~wherein step (e) comprises further comprising positioning the created video game, through language used on one of packaging and advertising, in a manner substantially similar to the manner of positioning of a recording of the quantum of music content typically associated with recorded music products.~~

33. (New) A method for selling a music-based video game in a manner typically associated with recorded music products, the method comprising the steps of:

- (a) creating a video game based on a quantum of music content;
- (b) embodying the video game in a computer-readable medium; and
- (c) offering for sale the created video game in a music department of a general store.

34. (New) The method of claim 33 wherein step (a) comprises creating a video game based on the quantum of music content, the created video game comprising a type of video game

Serial No.: 10/711,398

Docket No.: 2006593-0018
Client Reference: HRX-007

selected from the group consisting of: a rhythm-action video game; a sing-along video game; a dance-along video game; a character action video game; a first-person shooter video game; and a third-person shooter video game.

35. (New) The method of claim 33 wherein step (a) comprises creating a video game based on the quantum of music content in which user input is received via an input device selected from the group consisting of: a camera; a floor pad; a microphone; and a game controller.

36. (New) The method of claim 33 wherein step (a) comprises creating a video game based on the quantum of music content in which a musical time axis is represented as a spatial path.

37. (Original) The method of claim 36 wherein the spatial path does not lie within an image plane of a display and is rendered into the image plane of the display.

38. (New) The method of claim 33 wherein step (a) comprises creating a video game based on the quantum of music content that includes as a game character a computer-generated likeness of a musician.

39. (New) The method of claim 38 wherein step (a) further comprises creating a video game in which a musical time axis is represented as a spatial path.

40. (New) The method of claim 39 wherein the spatial path does not lie within an image plane of a display and is rendered into the image plane of the display.

41. (New) The method of claim 39 wherein the spatial path leads to the computer generated likeness of the musician.

42. (New) The method of claim 39 wherein the musician is at least partially responsible for creating the quantum of music content from which the video game is created.

43. (New) The method of claim 33 wherein step (c) further comprises offering for sale as a single unit an article of manufacture embodying the quantum of music content in a music playback format and the computer-readable medium embodying the created video game.

44. (New) The method of claim 33 wherein step (c) further comprises offering for sale as a single unit a single article of manufacture including the quantum of music content and the created video game.

45. (New) The method of claim 33 wherein step (c) further comprises offering for sale separately the quantum of music content from which the video game is created and the created video game in proximity to one another within the music department.

46. (New) The method of claim 33 wherein step (c) further comprises making the quantum of music content available for sale exclusively through the created video game.

47. (New) The method of claim 33 further comprising distributing the created video game through a distribution channel used for recorded music products.

Serial No.: 10/711,398

Docket No.: 2006593-0018
Client Reference: HRX-007

48. (New) The method of claim 33 further comprising using product placement techniques that are used for recorded music products.
49. (New) The method of claim 33 further comprising packaging the created video game to have packaging indicia substantially similar to indicia on packaging enclosing the quantum of music content.
50. (New) The method of claim 33 further comprising offering for sale the created video game at a price substantially similar to the purchase price of a recording of the quantum of music content.
51. (New) The method of claim 33 further comprising advertising the created video game together with an advertisement for a recording of the quantum of music content.
52. (New) The method of claim 33 further comprising positioning the created video game, through language used on one of packaging and advertising, in a manner substantially similar to the manner of positioning of a recording of the quantum of music content.
53. (New) A method for selling a music-based video game in a manner typically associated with recorded music products, the method comprising the steps of:
(a) creating a video game based on a quantum of music content;
(b) embodying the video game in a computer-readable medium; and
(c) offering for sale the created video game from an online music store.
54. (New) The method of claim 53 wherein step (a) comprises creating a video game based on the quantum of music content, the created video game comprising a type of video game selected from the group consisting of: a rhythm-action video game; a sing-along video game; a dance-along video game; a character action video game; a first-person shooter video game; and a third-person shooter video game.
55. (New) The method of claim 53 wherein step (a) comprises creating a video game based on the quantum of music content in which user input is received via an input device selected from the group consisting of: a camera; a floor pad; a microphone; and a game controller.
56. (New) The method of claim 53 wherein step (a) comprises creating a video game based on the quantum of music content in which a musical time axis is represented as a spatial path.
57. (Original) The method of claim 56 wherein the spatial path does not lie within an image plane of a display and is rendered into the image plane of the display.
58. (New) The method of claim 53 wherein step (a) comprises creating a video game based on the quantum of music content that includes as a game character a computer-generated likeness of a musician.
59. (New) The method of claim 58 wherein step (a) further comprises creating a video game in which a musical time axis is represented as a spatial path.

Serial No.: 10/711,398

Docket No.: 2006593-0018
Client Reference: HRX-007

60. (New) The method of claim 59 wherein the spatial path does not lie within an image plane of a display and is rendered into the image plane of the display.
61. (New) The method of claim 59 wherein the spatial path leads to the computer generated likeness of the musician.
62. (New) The method of claim 59 wherein the musician is at least partially responsible for creating the quantum of music content from which the video game is created.
63. (New) The method of claim 53 wherein step (c) further comprises offering for sale as a single unit the quantum of music content and the created video game.
64. (New) The method of claim 53 wherein step (c) further comprises offering for sale separately the quantum of music content from which the video game is created and the created video game from the same location in the online music store.
65. (New) The method of claim 53 wherein step (c) further comprises making the quantum of music content available for sale exclusively through the created video game.
66. (New) The method of claim 53 further comprising using product placement techniques that are used for recorded music products.
67. (New) The method of claim 53 further comprising offering for sale the created video game at a price substantially similar to the purchase price of a recording of the quantum of music content.
68. (New) The method of claim 53 further comprising advertising the created video game together with an advertisement for a recording of the quantum of music content.
69. (New) The method of claim 53 further comprising positioning the created video game, through language used on one of packaging and advertising, in a manner substantially similar to the manner of positioning of a recording of the quantum of music content.
70. (New) The method of claim 53 wherein step (c) comprises offering for sale the created video game from an online music store comprising a World Wide Web page.
71. (New) The method of claim 24 wherein step (b) comprises creating a video game based on the quantum of music content, the created video game comprising a type of video game selected from the group consisting of: a rhythm-action video game; a sing-along video game; a dance-along video game; a character action video game; a first-person shooter video game; and a third-person shooter video game.
72. (New) The method of claim 24 wherein step (b) comprises creating a video game based on the quantum of music content in which user input is received via an input device selected from the group consisting of: a camera; a floor pad; a microphone; and a game controller.

Serial No.: 10/711,398

Docket No.: 2006593-0018
Client Reference: HRX-007

73. (New) The method of claim 24 wherein step (b) comprises creating a video game based on the quantum of music content in which a musical time axis is represented as a spatial path.

74. (Original) The method of claim 73 wherein the spatial path does not lie within an image plane of a display and is rendered into the image plane of the display.

75. (New) The method of claim 24 wherein step (b) comprises creating a video game based on the quantum of music content that includes as a game character a computer-generated likeness of a musician.

76. (New) The method of claim 75 wherein step (b) further comprises creating a video game in which a musical time axis is represented as a spatial path.

77. (New) The method of claim 76 wherein the spatial path does not lie within an image plane of a display and is rendered into the image plane of the display.

78. (New) The method of claim 76 wherein the spatial path leads to the computer generated likeness of the musician.

79. (New) The method of claim 24 wherein step (a) comprises creating a computer-generated rendition of a musical artist at least partially responsible for instrumental performance of a musical composition.

80. (New) The method of claim 24 wherein step (a) creating a computer-generated rendition of a musical artist at least partially responsible for vocal performance of a musical composition.